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California State Senate

SENATOR
DARRELL STEINBERG
PRESIDENT PRO TEMPORE
SIXTH SENATE DISTRICT

STANDING COMMITTEES:
SENATE RULES
CHAIR
APPROPRIATIONS
PUBLIC SAFETY

August 28, 2013



The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Don Specter
Director, Prison Law Office
1917 5th Street
Berkeley, CA 94710

Dear Governor Brown and Mr. Specter:

As you know, our state is facing a virtually impossible December 31, 2013 deadline to meet the court ordered population cap by removing approximately 10,000 inmates from 33 state prisons. Moreover, California confronts an even more daunting challenge after the deadline: maintaining long-term prison population levels both compliant with federal court orders and consistent with effective correctional practices. I am very concerned that the Administration's plan - which would commit \$730 million General Fund over two years merely for temporary prison capacity - neither meets the deadline nor resolves the factors fueling the prison overcrowding crisis.

Temporarily expanding California's prison capacity is neither sustainable nor fiscally responsible. Nearly 25 years ago, the California Blue Ribbon Commission on Inmate Population Management warned, "(w)ithout changes in correctional policies and practices, prison overcrowding will be a major state and local government issue into the next century ... The Commission has come to the predominant conclusion that the criminal justice system in California is out of balance."

Short-term fixes provide no sustainable remedy.

I have staunchly supported this administration's efforts to defend California's remarkable progress in reducing its prison population. I share the frustration that the federal Three-Judge Panel thus far has failed to acknowledge this progress, pressing an arbitrary standard and deadline we cannot safely meet. Yet, the federal court is right in at least one respect: California must pursue and implement a durable remedy to resolve prison overcrowding. In 2011, realignment was a giant leap in that direction. Now, California needs additional time and tools to fully achieve not only that durable remedy, but a more effective and sustainable criminal justice system.

As the leader of the State Senate and Senate Democratic Caucus, I ask both the plaintiffs and the administration to adopt the durable remedy summarized in the attachment to this letter. This pathway, while requiring concessions, ultimately will fulfill your common interests as well as the greater common good.

My proposed settlement would avoid any threat of early inmate releases. It would require a minimum three-year extension of the December 31, 2013 deadline; establish an Advisory Commission on Public Safety to make long-term recommendations for the Governor and Legislature to consider; establish a panel of specified experts to determine prison population levels necessary for a constitutional level of care; and establish significant performance incentive grants to counties to reduce new prison admissions through more effective local programs.

The Administration's current plan is a risky gamble. My proposal provides additional time and resources to build an enduring solution, recalibrating our correctional system through evidence-based practices and policies.

California has made extraordinary strides, safely reducing the state's prison population by more than 40,000 inmates over the last several years. We've done it through realignment and other reforms. For example, Senate Bill 678 in 2009 (the California Community Corrections Performance Incentives Act) created a performance-based incentive program to support more successful probation supervision. In 2011, SB 678 reduced the prison population by 9,536 inmates, saving the state \$284 million in just that single year. Simply put, SB 678 allowed probation departments to reduce the failure rate of felons on probation, meaning fewer of them ended up going to prison.

This crisis presents an opportunity to rethink criminal justice strategy and deliver a durable remedy to California's prison overcrowding, grounded in a commitment to reducing criminal behavior through evidence-based practices and policies. I respectfully urge both of you to consider this proposal that reflects not only your mutual interests, but also the interests of the parties you represent and, most importantly, the people of the great state of California.

Thank you for your consideration.

Sincerely,



DARRELL STEINBERG
President pro Tempore

DS:dk

Cc: The Honorable John A. Perez
The Honorable Thelton E. Henderson
The Honorable Stephen Reinhardt
The Honorable Lawrence K. Karlton